

Council Member Motion

Notice given on: Wednesday, July 20, 2022

Meeting Date	Wednesday, August 17, 2022
From	Councillor Justice
Subject	Reimbursement of Councillor Marsh's reduction in compensation that resulted from the breach of Standards of Conduct Policy

Background

The purpose of this motion is to enable reimbursement of Councillor Kate Marsh any deductions from her salary as a result of Council's decision regarding the standards of conduct investigation.

Because the penalty was applied as the result of a bylaw, our municipal solicitor has suggested the particular wording in this motion is required to accomplish this.

Despite three councillors previously voting in favour of the penalty, this motion is an opportunity for sober second thought, as I believe most see the penalty as both unjust and merciless – one that ought to be reversed.

That Councillor Marsh has selflessly dedicated herself to the good of the community for many years is undisputed. Councillor Marsh brings many extraordinary qualities to the council table. Without going through her many merits, I think all of us agree that she brings to the municipality a unique blend of fairmindedness, fearlessness, and tenacity. In short when she feels something is unfair, she will certainly speak up. The events giving rise to the investigation are illustrative of these qualities.

Councillor Marsh also brings to our Council deep compassion and empathy for people who are suffering or who are being treated poorly, and to her great credit she is brave enough to allow herself to feel these injustices emotionally.

The great irony here is that it is these admirable qualities she brings to our municipality that have led to this unfortunate situation.

The Remuneration Bylaw that resulted in this fine does not distinguish between serious and trivial offences. All first offences result in a pay reduction of 10% for a period of 12 months.

This sanction was designed with much more serious offences in mind, such as bullying a municipal employee or revealing confidential information. It is important to note that this was not a serious offence. Rather, Councillor Marsh was found to have committed a very trivial offence of a single instance of using intemperate language in a private email sent only to 5 other members of Council.

Applying to such an indiscretion the same fine designed to discourage much more serious breeches is akin sending someone to jail for jaywalking. It is a punishment that is grossly disproportionate to the crime. It is simply unfair and it is unjust.

We have in essence fined Councillor Marsh roughly \$3000 for writing what amounts to an emotional letter – and again one sent only to other members of council ostensibly as privileged communication between colleagues – about an issue that she perceived as a serious breach of fairness on a subject she has long been passionate about, namely relationship building with and respect for our First Nations neighbours.

Though it is existing policy that has led to this punishment, this only shows that our policy is ill-considered and needs rethinking. Policies should be guides to help us progress in a chosen direction. We need not - and should not - blindly follow a policy that is proving to guide us poorly or which results in an injustice.

This motion aims to restore to Councillor Marsh the remuneration due to her for the hard work she does for the community. I believe it is the right thing to do.

Recommendation

THAT Council direct staff to prepare an amendment to subsection 1 (8) of the Council Remuneration Bylaw that would have the same effect of reimbursing Councillor Marsh an amount equivalent to her lost remuneration to date and up to the adoption of the bylaw amendment.

Attachment: